

House File 331 - Introduced

HOUSE FILE 331

BY MEYER

A BILL FOR

1 An Act relating to notice requirements for probate proceedings.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **9.9 Notice of probate.**

2 The secretary of state shall post notices of probate
3 received under sections 633.230 and 633.304 in a searchable
4 database on the secretary of state's internet site. The
5 notices, at a minimum, shall be searchable by name of the
6 decedent and the county in which the estate is pending.

7 Sec. 2. Section 633.230, subsection 1, Code 2017, is amended
8 to read as follows:

9 1. In intestate matters, the administrator, as soon as
10 letters are issued, shall cause to be published ~~once each~~
11 ~~week for two consecutive weeks in a daily or weekly newspaper~~
12 ~~of general circulation published in the county in which the~~
13 ~~estate is pending on the secretary of state's internet site,~~
14 and at any time during the pendency of administration that the
15 administrator has knowledge of the name and address of a person
16 believed to own or possess a claim which will not or may not
17 be paid or otherwise satisfied during administration, provide
18 by ordinary mail to each such claimant at the claimant's last
19 known address, a notice of appointment which shall be in
20 substantially the following form:

21 In the District Court of Iowa
22 in and for County.

23 In the Estate of Probate No.
24 , Deceased

25 NOTICE OF APPOINTMENT OF
26 ADMINISTRATOR AND
27 NOTICE TO CREDITORS

28 To All Persons Interested in the Estate of, Deceased,
29 who died on or about (date):

30 You are hereby notified that on the .. day of ... (month),
31 ... (year), the undersigned was appointed administrator of the
32 estate.

33 Notice is hereby given that all persons indebted to
34 the estate are requested to make immediate payment to the
35 undersigned, and creditors having claims against the estate

1 shall file them with the clerk of the above-named district
2 court, as provided by law, duly authenticated, for allowance,
3 and, unless so filed by the later to occur of four months from
4 the second publication of this notice or one month from the
5 date of the mailing of this notice (unless otherwise allowed or
6 paid), a claim is thereafter forever barred.

7 Dated this .. day of ... (month), ... (year)

8

9 Administrator of the estate

10

11 Address

12

13 Attorney for the administrator

14

15 Address

16 Date of second publication

17 .. day of ... (month), ... (year)

18 (Date to be inserted by publisher)

19 Sec. 3. Section 633.304, subsection 2, Code 2017, is amended
20 to read as follows:

21 2. On admission of a will to probate, the executor,
22 as soon as letters are issued, shall cause notice to be
23 published ~~once each week for two consecutive weeks in a daily~~
24 ~~or weekly newspaper of general circulation published in the~~
25 ~~county in which the estate is pending~~ on the secretary of
26 state's internet site. At any time during the pendency of
27 administration that the executor has knowledge of the name
28 and address of a person believed to own or possess a claim
29 which will not or may not be paid or otherwise satisfied
30 during administration, the executor shall provide notice by
31 ordinary mail to each such claimant at the claimant's last
32 known address. The executor shall also, as soon as practicable
33 give notice, except to any executor, by ordinary mail to
34 the surviving spouse, each heir of the decedent, and each
35 devisee under the will admitted to probate whose identities

1 are reasonably ascertainable, at such persons' last known
2 addresses, of admission of the will to probate and of the
3 appointment of the executor. In the notice shall be included
4 a notice that any action to set aside the probate of the will
5 must be brought within the later to occur of four months
6 from the date of the second publication of the notice or one
7 month from the date of mailing of this notice or thereafter
8 be forever barred, a notice to debtors to make payment, and
9 a notice to creditors having claims against the estate to
10 file them with the clerk within four months from the second
11 publication of the notice, or thereafter be forever barred.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 Under current law, the administrator of an intestate estate
16 and the executor of a will, as soon as letters are issued, are
17 required to publish notice of the probate proceeding once each
18 week for two consecutive weeks in a daily or weekly newspaper
19 of general circulation published in the county in which
20 the estate is pending. This bill provides that in lieu of
21 publication in newspapers, an administrator or an executor is
22 instead required to publish notice on the secretary of state's
23 internet site. The bill requires the secretary of state to
24 post such notices in a searchable database that, at a minimum,
25 is searchable by name of the decedent and the county in which
26 the estate is pending.